

IN THE DRAWINGS:

The attached sheets of drawings include changes to Figs. 5 and 9a. These sheets, which include changes to Figures 5 and 9a, replace the original sheets including Figs. 5 and 9a. In Fig. 5, the block designated by reference numeral 540 has been renamed to Data Object (ImagFrame) based on the disclosure at page 10, lines 3-11 of the present application. In Fig. 9a, reference numerals have been added to designate each block based on the disclosure at page 12, line 30 - page 13, line 9 of the present application. No new matter has been added

Attachment: Replacement sheets

REMARKS

Reconsideration and further examination of the application, as amended, are respectfully requested. All objections and rejections are respectfully traversed.

Drawings

In paragraphs 1-2, the Office Action imposed several objections to the drawings. Applicants enclose corrected drawings sheets that address the stated objections. Specifically, Applicants have changed block 540 of Fig. 5 to “Data Object,” and have added reference numbers to Fig. 9A. Accordingly, Applicants request that the objections to the drawings be withdrawn.

Abstract

In paragraphs 3-4, the Office Action objected to the Abstract. Applicants have amended the Abstract and, accordingly, request that the objection to the Abstract be withdrawn.

Specification

In paragraph 5, the Office Action objected to the Specification. Applicants have amended the Specification at pp. 10 and 13 and, accordingly, request that the objection to the Specification be withdrawn.

In paragraph 6, the Office Action objected to the Specification for failing to provide a proper antecedent basis for the subject matter of claims 17 and 31. As set forth above, Applicants have amended the Specification (at p. 10) to include the disclosure of originally filed claims 17 and 31. Accordingly, Applicants request that the objection to the Specification be withdrawn. *See* MPEP § 608.01(I) (noting that an “original claim itself constitutes a clear disclosure of [its] subject matter,” and may be added to the specification).

§101

Claims 1-44 stand rejected under 35 U.S.C. §101 on the grounds that they are directed to non-statutory subject matter. Claims 1-18 have been withdrawn without prejudice. For the reasons set forth herein, Applicants respectfully disagree with the rejection of claims 19-44.

First, the claimed invention is directed to statutory subject matter. Specifically, claims 19-33 each recite, among other things, “an interface,” “a data processor,” and “a data server.” Claims 34-44 each recite a computer readable medium holding instructions executable in a computer system. Accordingly, Applicants submit that these claims clearly satisfy the subject matter requirements of §101. *See* MPEP §2106(IV)(A) (“The plain and unambiguous meaning of section 101 is that any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may be patented if it meets the requirements for patentability”).

Second, even if the claimed invention were considered to fall within a “judicial exception” to §101, which Applicants dispute, the claimed invention nonetheless represents a practical application by transforming an article to a different state or thing, and by producing a useful, concrete and tangible result. In particular, claims 19-33 recite, among other things, a data processor for encapsulating received data into a data object in the memory. That is, the claimed invention transforms the received data from its first form or state into another form or state, i.e., a data object. In addition, the claimed invention results in the production of a data object that is accessible by multiple data sink objects, thereby avoiding the need for extraneous copies of the received data, which is a useful, concrete and tangible result.

Claims 34-44, which recite a computer readable medium, also transform received data into a data object, thereby establishing a practical application, as described above in connection with claims 19-33. Claims 33-44 also produce a useful, concrete and tangible result, namely, a data object that encapsulates received data and is accessible to data sink objects, thereby preventing the need for extraneous copies of the received data. The MPEP, moreover, has recognized that functional descriptive material recorded on a computer readable medium is statutory subject matter. *See* MPEP 2106.01 (“When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”)

As set forth above, the claimed invention is not a mere data structure nor is it a mere computer listing. Instead, the claimed invention includes an interface, a data processor and a data server, as recited in claims 19-33, and a computer readable medium holding executable instructions, as recited in claims 34-44.

Accordingly, Applicants request that the rejection of claims 19-44 under §101 be withdrawn.

§102(b)

Claims 1, 2, 4-7, 10, 11, and 16-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,256,625 to Breyer et al. (“Breyer”). Applicants have withdrawn the rejected claims without prejudice.

§103(a)

Claims 3, 8, 9, 19-22, 27-29, 31, 33, 34, 36, 42 and 43 stand rejected under 35 U.S.C. §103(a) as being obvious based on Breyer in view of U.S. Pat. No. 5,692,157 to Williams (“Williams”). Claims 3, 8, and 9 have been withdrawn without prejudice.

Applicants respectfully traverse the rejection of claims 19-22, 27-29, 31, 33, 34, 36, 42 and 43.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” See MPEP §2143.03. As set forth herein, the art of record fails to teaches or suggests each of the claim limitations.

In particular, independent claim 19, as amended, recites in part:

A data transfer system for transferring data from a source to multiple data sink objects in a computer system, wherein the data source is coupled to the computer, the system comprising:

an interface for communicating with the data source to receive the data from the data source;

a data processor for encapsulating the data into a data object in the memory; and

a data server for sending to the multiple data sink objects identification information identifying the data object.

In other words, claim 19 recites a data server that sends information identifying a data object to the data sink objects. The data sink objects then utilize this information, which was sent to them, to access the data object.

The Office Action cites to Williams at Col. 6; 32-41 as purportedly teaching the claimed “data server.”¹ The cited excerpt from Williams states as follows in its entirety:

In addition to the client and server libraries, the object linking and embedding facilities of the present invention provide information to client and server applications through a persistent global ‘registry’. This registry is a database of information such as (1) for each type of object, the server application that implements the object type, (2) the actions that the each server application provides to client applications, (3) where the executable files for each server applications are located, and (4) whether each server application has an associated object handler.

¹ The Office Action notes that Breyer, which is the primary reference, fails to teach or suggest this element of claim 19.

As shown, with Williams, information is provided through a persistent global registry. The “registry” taught by Williams is a passive database that must be queried by the client and server applications in order for them to obtain any information. *See, e.g.*, Col. 3; 55-56 (“application program can check the persistent registry to determine which formats are supported”), and Col. 6; 27-31 (“The client library routines access the persistent global registry to determine information such as which server application to use for a particular containee object and whether an object handler is defined for a server application”). Thus, what Williams discloses is the creation of a passive database (persistent registry 514) that must be checked or accessed by the client or server applications in order to obtain information. In contrast, Applicants’ data server actively “sends to” the data sink objects the information of interest to them, i.e., the identifiers of the data objects. Thus, the present invention recites a very different approach than that disclosed in Williams, which as stated above requires the client and server applications to go to the registry themselves in order to obtain information. With the present invention, the data sink objects need not query some database to obtain information identifying the data objects of interest to them. Instead, the data server “sends to” the data sink objects the desired identification information. Because Williams fails to teach or suggest a data server that sends identification information to data sink objects, it does not support an obviousness rejection of the claimed invention.

Furthermore, by disclosing a static database that must be queried, Williams actually teaches away from the present invention. That is, Williams teaches the use of a static database (persistent registry 514) that must be accessed or checked by the client and server applications in order to obtain the information of interest to them. The present invention, on the other hand, is directed to a data server that sends to the data

sink objects information identifying the data object. As it teaches away from the present invention, Williams does not render Applicants' claimed invention obvious.

Accordingly, Applicants request that the rejection of claim 19 under §103 be withdrawn. Claims 20-33 depend from claim 19, and thus they too are distinguishable over the art of record.

Independent claim 34 has similarly been amended to recite "a data server object sending to the data sink objects identification information identifying the data object." Accordingly, the obviousness rejection of claim 34 based on Breyer in view of Williams should also be withdrawn. Claims 35-44 depend from claim 34, and are thus distinguishable over the art of record.

As explained above, Applicants have amended independent claims 19 and 34, replacing "providing to" with "sending to." No new matter is being introduced. Support for the amendment may be found in the Specification as originally filed at pp. 3, 6, 11-13 and Figs. 8 and 9a, among other places. Indeed, "sending" is simply a more particularized definition of "providing to." Applicants have also amended claims 21, 23-26 and 36-41 to correct several minor errors.

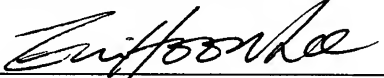
Applicants submit that the application, as amended, is in condition for allowance. Early favorable action is respectfully requested.

Please charge any additional fee occasioned by this paper to Deposit Account No. 12-0080, under Order No. MWS-035. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicant's attorney at (617) 227-7400.

Dated: May 23, 2007

Respectfully submitted,

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